

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting  
February 15, 1973  
10:00 A.M.

COUNCIL CHAMBERS, CITY HALL

The meeting was called to order with Mayor Butler presiding.

## Roll Call:

Present: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen  
Lebermann, Friedman, Handcox, Mayor Butler  
Absent: None

The Invocation was delivered by MR. DAN DAVIDSON, City Manager.

## PROCLAMATIONS

Mayor Butler read the proclamation recognizing Austin salesmen and saleswomen and calling attention to the Governor's Proclamation designating the week of the 19th through the 24th as "SALESMEN AND SALESWOMEN'S WEEK IN TEXAS". Mayor Butler proclaimed February 23rd as that day in the City of Austin and urged all citizens to support their efforts.

Mayor Pro Tem Dan Love read a proclamation signed by the Mayor and all members of the Council, recognizing Sergeant Carl H. Petri for over 30 years of service, his dedicated work and attention to his professional career, and having served with distinction. Chief Miles pointed out that Sergeant Petri had accumulated during his 30 years - 350 days and four hours of unused sick time.

## NO ACTION TAKEN

There was not action taken at this time on the following refund contracts:

- |                               |  |
|-------------------------------|--|
| a. NORWAL INC.                | - For water and sewer mains in Quail Creek West, Phase II, Section 9 - \$102,410.11. |
| b. JESS WEBB & BILLY C. DAVIS | - For water and sewer mains in Carrell Oaks, Section 1 - \$32,937.78.                |

## ORDINANCE AMENDED

Mayor Butler introduced the following ordinance:

AN ORDINANCE AMENDING ARTICLE II, SECTION 47-4 OF CHAPTER 47 OF THE AUSTIN CITY CODE OF 1967 BY REESTABLISHING THE TERMS OF THE MEMBERS OF THE COMMUNITY ACTION BOARD; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Mayor Pro Tem Love moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Dryden, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

## PUBLIC HEARING - AUSTIN DEVELOPMENT PLAN

At 10:00 A. M., Mayor Pro Tem Love opened the hearing on amending the Austin Development Plan, inviting anyone interested to participate. No one appeared to be heard.

City Manager Dan Davidson announced this amendment to the Austin Development Plan was recommended by the Planning Commission and by the Staff. Councilman Nichols moved the Council close the hearing and order the amendment to the Austin Development Plan as recommended:

Approximately 310 acres located in southeast Austin south of Bergstrom Air Force Base between Onion Creek and F.M. 812, east of U.S. Highway 183 - from Undesignated to Planned Development Area - requested by Public Works Department of the City of Austin to enlarge the existing landfill operations located in southeast Austin. C2-72-1(p).

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman

Noes: None

Not in Council Chamber when Roll was called: Mayor Butler, Councilman Handcox

## ANNEXATION HEARING SET

Mayor Pro Tem Love moved the Council adopt a resolution setting a public hearing at 10:00 A. M., March 1, 1973, to consider annexing the following:

- a. 10.77 acres of land out of the JAMES ROGERS SURVEY - unplatted land. (requested by owner)

b. Total of 56.38 acres out of the George W. Davis Survey:

- (1) 30.02 acres - GRAY and BECKER INDUSTRIAL SUBDIVISION. (requested by owner)
- (2) 1.12 acres - portion of RUTLAND DRIVE and portion of private lane. (initiated by City of Austin)
- (3) 25.24 acres of land, more or less - portion of RUTLAND DRIVE, portion of private lane and unplatted land. (initiated by City of Austin)

c. Total of 493.27 acres:

- (1) 23.57 acres of land out of the GEORGE W. DAVIS SURVEY - unplatted land. (requested by owner's representative)
- (2) 11.8 acres of land, more or less, out of the GEORGE W. DAVIS, JAMES P. WALLACE NUMBER 18, JAMES ROGERS, and JOHN APPLGAI SURVEYS - portion of Farm to Market Road 1325. (initiated by City of Austin)
- (3) 457.9 acres of land, more or less, out of the GEORGE W. DAVIS, JAMES P. WALLACE NO. 18, JAMES ROGERS and JOHN APPLGAI SURVEYS, ALLEN SUBDIVISION, ACME BRICK ADDITION, Resub. of Part of Tr. 2., ALLEN SUBDIVISION, CHEM-PRODUCTS ADDITION, Partition of Part of MRS. O. M. ROBERTS ESTATE, Resub. of Lot 1, MRS. O. M. ROBERTS ESTATE, Resub. of the No. 80' of Lot 2 of the Partition of MRS. O. M. ROBERTS ESTATE, RUTLAND ACRES, Resub. of Lot 1, RUTLAND ACRES, RUTLAND ADDITION, RUTLAND DRIVE ADDITION, unplatted land and portions of RUTLAND DRIVE, OLD WATER'S PARK, McNEIL ROAD and the TEXAS and NEW ORLEANS RAILROAD. (initiated by City of Austin).

The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Councilman Handcox

#### EASEMENTS RELEASED

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the release of the following easements:

Four (4) portions of an existing public tuilities easement out of Lots 12, 13, 18, and 19, Block C, PLAZA PLACE.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilman Dryden, Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the release of the following easement:

An existing public utilities easement out of Tract "A",  
PLAZA VENTURA.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilman Dryden,  
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the release of the following easement:

Two (2) public utilities easements out of Lots 11 and 12,  
WESTERN HILLS.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilman Dryden,  
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

Mayor Pro Tem Love moved the Council adopt a resolution authorizing the release of the following easement:

A portion of a public utilities easement and a portion of  
an overhand easement out of 2nd Resub. of Lots 5 & 6,  
Block C, of SLAUGHTER CREEK ACRES.

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Friedman, Handcox, Mayor Butler, Councilman Dryden,  
Mayor Pro Tem Love, Councilman Lebermann

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

#### ENGINEERING SERVICE

Councilman Dryden moved the Council select HALE & ASSOCIATES for services in connection with the following 1973 Capital Improvements Program Project for the Water and Wastewater Department:

South I.H. 35 Water Distribution Main Extension  
Bluff Springs Road southerly to FM 1626 -  
Project No. 4093 7.

The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman

Noes: None

## APPLICATION APPROVED

Councilman Nichols moved the Council adopt a resolution approving the application of the City National Bank for permission to erect a parking garage on the northwest corner of Eighth and San Jacinto Streets. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Friedman, Handcox

Noes: None

Abstain: Mayor Butler, Councilman Lebermann, Mayor Pro Tem Love

## SENIOR CITIZENS COMMUNITY WORKSHOP

Councilman Nichols moved the Council adopt a resolution authorizing the City of Austin to submit an application to the Governor's Committee on Aging for a matching grant for the development of a Senior Citizens Community Workshop. Total cost is \$23,260; Governor's Committee on Aging - \$9,510 and City of Austin in kind contribution - \$13,750. The motion, seconded by Councilman Friedman, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler

Noes: None

## NEIGHBORHOOD DEVELOPMENT PROGRAM

Mayor Pro Tem Love moved the Council adopt a resolution adding the St. John's Area to the Neighborhood Development Program and authorizing the filing of a Neighborhood Development Program Annual Increment application. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilman Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilman Dryden

Noes: None

DEED ACCEPTED  
Policies Accepted

Councilman Nichols moved the Council adopt a resolution accepting a deed for a portion of land at Murchison Junior High School for the City of Austin to construct a neighborhood swimming pool. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

Councilman Nichols moved the Council accept policies governing the pool operation at Murchison Junior High School. The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

## COST DIFFERENCE

Mayor Pro Tem Love moved the Council adopt a resolution authorizing payment to NORWAL, INC. for cost difference of 12"/8" water main in Quail Creek West, Phase II, Section 9 - \$3,843.00. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Dryden, Nichols, Mayor Pro Tem Love  
Noes: None  
Abstain: Mayor Butler

## CASH SETTLEMENT

Councilman Nichols moved the Council adopt a resolution authorizing a 60/40% cash settlement with TURNER-GILBERT PROPERTIES for a sewer main extension at Resubdivision of Wilkes Acres. Estimated cost of sewer main extension is \$2,488.00. City's cost @ 60% is \$1,492.80; Owner's cost @ 40% is \$995.20. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilman Lebermann  
Noes: Councilman Friedman

## FUEL OIL PURCHASES

Councilman Nichols moved the Council confirm the emergency reserve fuel oil purchases for the Electric Utility Department. The motion, seconded by Councilman Dryden, carried by the following vote: (Coastal States Marketing -- Item a. (February 9); Item b. (February 14) ).

Ayes: Mayor Butler, Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox  
Noes: None

## PUBLIC HEARING SET

Mayor Pro Tem Love moved the Council set a public hearing to consider an amendment to the Zoning Ordinance by adding barber shops to the list of accessory uses allowed under certain conditions in "A" Residence Districts, for March 8, 1973, at 2:00 P. M. The motion, seconded by Councilman Nichols, carried by the following vote:

Ayes: Councilmen Dryden, Nichols, Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox, Mayor Butler  
Noes: None

## CONTRACTS AWARDED

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

H & H CONCRETE CONSTRUCTION  
COMPANY  
(Austin, Texas)

- For the installation of approximately 800 feet of 36" water main; 671 feet of 24", 557 feet of 18" and 242 feet of 12" sewer mains in conjunction with the construction of MoPac Boulevard - \$207,641.00. (Capital Improvements Program Project Nos. 4024 1 and 5054 1)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

H & H CONCRETE CONSTRUCTION  
COMPANY  
(Austin, Texas)

- For the installation of approximately 1445 feet of 12" water main and appurtenances - Pleasant Valley Road \$17,921.70. (Capital Improvements Program Project No. 4093 6)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

MODUS OPERANDI UNLIMITED  
(Houston, Texas)

- 19 each Combination Siren, Public Address, and Radio Amplifiers for Police Vehicles - \$6,061.00.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

TEXAS CRUSHED STONE CO.  
(Austin, Texas)

- Crushed Road Stone Supply Agreement - 5,000 tons @ \$.65/ton, Plant loaded on City trucks and 40,000 tons @ \$1.40/ton - \$59,250.00.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

WHITE'S MINES, INC.  
(San Antonio, Texas)

- Grades 3 and 5 aggregate supply  
agreement - Bid Item No. 1,  
8,000 tons @\$5.44/ton and Bid Item No. 2,  
2,000 tons @\$5.44/ton - \$54,400.00.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols, Mayor  
Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

CAPITOL AGGREGATES, INC.  
(Austin, Texas)

- Hot Mix Asphaltic Concrete and Hot Mix-  
Cold Laid Asphaltic Concrete Supply  
Agreement - Bid Item No. 1 - 17,000  
tons @\$5.40/ton and Bid Item No. 2 -  
600 tons @\$5.40/ton - \$95,040.00.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

ICI AMERICA, INC.  
(Wilmington, Delaware)

- Powdered Activated Carbon Supply  
Agreement, 180 tons @ \$182.40/ton  
\$32,832.00.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

INTERNATIONAL PAPER COMPANY  
(Houston, Texas)

- Electric Utility Poles 24 month Supply  
Agreement with Renewal Option -  
Estimated Total \$424,895.15.

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None



Councilman Nichols moved the Council adopt a resolution awarding the following contract:

Traffic Control Equipment:

- (1) SIGNAL ENGINEERING CO. - Items 1 through 6 - \$136,648.00  
(Houston, Texas)
- (2) EAGLE SIGNAL COMPANY - Items 9 and 10 - \$78,862.64.  
(Fort Worth, Texas)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

Councilman Nichols moved the Council adopt a resolution awarding the following contract:

PRIESTER-MELL CO., INC. - Traffic Signal Poles - \$53,656.64.  
(Austin, Texas)

The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilman Handcox, Mayor Butler, Councilmen Dryden, Nichols,  
Mayor Pro Tem Love, Councilmen Lebermann, Friedman  
Noes: None

ZONING ORDINANCES

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

- (1) LOT 1, WILLOW CREEK, SECTION 4, LOCALLY KNOWN AS 2100-2228 EAST OLTORF STREET; 2218-2230 WILLOW CREEK DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (2) LOTS 1 AND 2, BLOCK "C" WILLOW CREEK, SECTION 5- LOCALLY KNOWN AS 2301-2430 EAST OLTORF; 2233-2301 WILLOW CREEK DRIVE; AND 2301-2429 ANKEN DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
- (3) LOT 1, BLOCK "D", WILLOW CREEK, SECTION 5, LOCALLY KNOWN AS 1951-2105 WILLOW CREEK DRIVE; 2300-2428 ANKEN DRIVE, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,
- (4) LOT 2, BLOCK "A", WILLOW CREEK, SECTION 5, LOCALLY KNOWN AS 2101-2215 EAST OLTORF STREET; 2300-2334 DOUGLAS STREET, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT; AND,
- (5) LOT 2, BLOCK "B", WILLOW CREEK, SECTION 5, LOCALLY KNOWN AS 2217-2431 EAST OLTORF STREET; 2301-2333 DOUGLAS STREET, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; AND,

(6) LOT 1, BLOCK "A", WILLOW CREEK, SECTION 5, LOCALLY KNOWN AS 2336-2364 DOUGLAS STREET, FROM INTERIM "A" RESIDENCE, INTERIM FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE, FIRST HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Mayor Butler, Councilman Dryden

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) LOT 3-A1, RESUBDIVISION OF LOT 3-A OF THE RESUBDIVISION OF LOT 3, TEX-CON ADDITION NO. 1, LOCALLY KNOWN AS 510-602 ST. JOHN'S AVENUE; 7307-7325 DUVAL STREET, FROM FIRST HEIGHT AND AREA DISTRICT TO THIRD HEIGHT AND AREA DISTRICT; AND,

(2) A 1.29 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1500-1512 STASSNEY LANE, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT, SAVE AND EXCEPT, THE NORTH TWENTY-FIVE FEET THEREOF TO BE "B" RESIDENCE DISTRICT; AND,

(3) THE EASTERN 102.47 FEET OF TRACT 1, RESUBDIVISION OF LOTS 1 AND 2, MANOR ESTATES, LOCALLY KNOWN AS 2904-2908 SWEENEY LANE, FROM "B" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Mayor Butler, Councilman Dryden

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) A 1.68 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1310-1412 STASSNEY LANE, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT, SAVE AND EXCEPT, THE

NORTH TWENTY-FIVE FEET THEREOF TO BE "B" RESIDENCE DISTRICT; AND,  
(2) TRACT 2, KENWILL ADDITION, LOCALLY KNOWN AS THE SOUTH END OF SHIRLEY STREET,  
FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;  
ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING  
THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLAR-  
ING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three read-  
ings, declare an emergency and finally pass the ordinance effective immediately.  
The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Mayor Butler, Councilman Dryden

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING  
CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) LOT 7, BLOCK 5, DIVISION Z, CASTLE COURT SUBDIVISION, LOCALLY KNOWN AS  
1105 WEST 12TH STREET AND CASTLE COURT, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE  
DISTRICT; AND,

(2) LOT 9A, RESUBDIVISION OF LOTS 9 AND 10, BLOCK 3, M. E. WILSON SUBDIVISION,  
LOCALLY KNOWN AS 501-503 WEST OLTORF STREET, FROM "A" RESIDENCE DISTRICT AND "O"  
OFFICE DISTRICT TO "GR" GENERAL RETAIL DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING  
THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLAR-  
ING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three read-  
ings, declare an emergency and finally pass the ordinance effective immediately.  
The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Mayor Butler, Councilman Dryden

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING  
CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

LOT 1, BLOCK 4, OUTLOT 76, DIVISION D, BUDDINGTON SUBDIVISION, LOCALLY KNOWN AS  
3700 RONSON STREET; 3701 KING STREET; AND 618-622 WEST 37TH STREET, FROM "A"  
RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT; SAID PROPERTY BEING LOCATED IN  
AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDI-  
NANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three read-  
ings, declare an emergency and finally pass the ordinance effective immediately.  
The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Mayor Butler, Councilman Dryden

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

Mayor Butler introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND HEIGHT AND AREA AND CHANGING THE USE AND HEIGHT AND AREA MAPS ACCOMPANYING CHAPTER 45 OF THE AUSTIN CITY CODE OF 1967 AS FOLLOWS:

(1) LOT 49, BLOCK F, COLONY PARK SUBDIVISION, SECTION 1, PHASE 2, LOCALLY KNOWN AS 6700-6716 SANDSHOF DRIVE; 6700-6714 DECKER LAKE ROAD, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; AND,

(2) LOTS 21 AND 22 AND ADJACENT VACATED MARATHON BOULEVARD ABUTTING SUBJECT PROPERTY, LOCALLY KNOWN AS 4107 MARATHON BOULEVARD, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,

(3) A 5,670 SQUARE FOOT TRACT OF LAND, LOCALLY KNOWN AS 1209 PARKWAY, FROM "B" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT; AND,

(4) A 10.90 ACRE TRACT OF LAND, LOCALLY KNOWN AS 1022-1044 REINLI STREET; 1015-1047 CLAYTON LANE, FROM "B" RESIDENCE, SECOND HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL, FIRST HEIGHT AND AREA DISTRICT;

ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; AND DECLARING AN EMERGENCY.

Councilman Lebermann moved the Council waive the requirement for three readings, declare an emergency and finally pass the ordinance effective immediately. The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Lebermann, Friedman, Handcox,  
Mayor Butler, Councilman Dryden

Noes: None

Not in Council Chamber when Roll was called: Councilman Nichols

The Mayor announced that the ordinance had been finally passed.

#### ITEM POSTPONED

The Council postponed at the request of the Telephone Company the second reading-ordinance establishing Telephone Rates until they wish to come back before the Council.

#### ITEMS NOT TAKEN UP

The Council did not take up the following items:

Recommendations from Recreation Task Force:

1. Park Lane Dedication.
2. Park Land in the Quail Creek Area.

## ANNEXATION HEARING

At 10:00 A. M., Mayor Butler opened the annexation hearing scheduled for this time.

Planning Director Dick Lillie reported receipt of a petition and a request from Mr. Oscar Holmes who represented a property owner of 6.35 acres, Click Acres within the Macmor Acres Subdivision - a tract of land within the larger subdivision. Rather than considering just that small area, the staff added acreage to the west and to the east south of Kramer Lane to the existing corporate limits to the south as a part of the area to be considered. The Macmor acres is a small subdivision with very large lots and has been developed for some time. The area can be served by utilities and the recommendation is that the Council consider the total area for annexation.

A member of the audience was recognized. She read a petition protesting the proposed annexation of Macmor Acres into the City of Austin. The petition was filed with the Planning Director for verification, and then filed with the City Clerk's Office.

Mr. Maurice Angly, Attorney, representing about 15 residents living in Macmor Acres in opposition at this time. These large lots are equipped with their own sewer facilities and the owners do not intend to subdivide. They do not want their taxes increased while the increase of services that they desire are not such that they would out-weigh the detriment of increased taxation. Annexation could be destructive to their ability to continue to hold and live in their present homes, and they ask that annexation be delayed until the city moves across Kramer Lane.

Planning Director, Dick Lillie stated Click Acres is a six acre tract within Macmor Acres, and its only street access is from Macmor Road within the subdivision. The staff concluded that for the City to serve this particular six acre tract with police, fire and garbage services that Kramer Lane area should be annexed. The area to the west, including the street is currently under annexation by request of the property owner, Kramer Lane Industrial Park. An area to the East is being annexed. The land to the South is a new subdivision and services are already in place or planned. The area can be served by sanitary sewer. Eventually the septic system would be changed to the Municipal Sewer System. Mr. Lillie described the facilities already in the area. The recommendation is that the area No. 2, including Kramer Lane to be considered for annexation.

Discussion on non-conforming uses was held and explained by the City Attorney.

At Mayor Butler's request, Mr. Lillie outlined advantages that would accrue to those being annexed.

Mr. Angly stated these people deemed their protection adequate under their deed restrictions. As to utilities, they do not desire those at this time. They are aware they will be annexed in the future, but they believe it would be fair to let them remain out of the City until that north part is developed.

Mr. Lewis Gullette, 10606 Macmor Road, has a number of houses and had moved out of town to have more open space. He reported a drainage ditch along the side of his home in where raw sewage was running as an overflow of some of those well-qualified septic tanks. He was for the annexation and he wanted to

have city sewage facilities. Others in the subdivision concurred.

After everyone had an opportunity to participate in this hearing, Councilman Nichols moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

144.56 acres of land out of the John Applegait Survey:

- (1) 6.29 acres - CLICK ACRES. (requested by owner's representative)
- (2) 138.27 acres - MACMOR ACRES, A resub. of Lot 4, Block A, MACMOR ACRES, MACMOR ROAD, portion of KRAMER LANE, And Unplatted Land. (initiated By the City of Austin)

52.63 acres of land out of the William Cannon League - CENTENNIAL PARK and portions of SOUTH CONGRESS AVENUE and CIRCLE S ROAD:

- (1) 33.75 acres. (requested by owner's representative)
- (2) 18.88 acres. (initiated by City of Austin)

The motion, seconded by Councilman Dryden, carried by the following vote:

Ayes: Councilmen Nichols, Lebermann, Handcox, Mayor Butler, Councilman Dryden

Noes: Mayor Pro Tem Love

Not in Council Chamber when Roll was called: Councilman Friedman

The City Attorney announced that this matter would be considered in two weeks.

#### REVENUE REFUNDING BONDS

Mayor Butler announced the time was 10:29 A. M., stating the City Council of Austin had advertised that it would receive sealed bids until 10:30 A. M. as follows:

Electric, Light and Power, Waterworks and Sewer  
System Revenue Refunding Bonds - \$6,275,000

Mayor Butler was assured that the mail room had been checked for receipt of any bids by mail. He asked if the members of the City Council, City Clerk, or Finance Administrator had any bids; and if there was anyone present in the Chambers with a sealed bid to submit. One bid was submitted within the time limit making a total of 12 bids received.

Bids were opened as follows:

1. Halsey, Stuart & Co., Inc. - 4.6530%  
Smith, Barney & Co., Inc.  
and Associates

2. Merrill Lynch, Pierce, Fenner & - 4.6823%  
Smith Inc.; W. H. Morton & Co.  
(Division of American Express Co.)  
and F. S. Smithers & Co. Inc.,  
Account Managers
3. Bear, Stearns & Co. - 4.691458%
4. The First Boston Corporation - 4.6958%  
and Associates
5. Kidder, Peabody & Co., - 4.700894%  
Incorporated & Associates
6. Lehman Brothers, Incorporated - 4.704433%  
Hornblower & Weeks-Hemphill,  
Noyes, Account Managers &  
Associates
7. Kuhn, Loeb & Co., Shields & Co. - 4.70547%  
Harris Upham & Co., Inc.  
Kohlmeyer & Co.
8. John Nuveen & Co., Incorporated &- 4.7146%  
Associates
9. White, Weld & Co., Inc., - 4.7196%  
for the Managers and Associates
10. Reynolds Securities, Inc. - 4.7227%
11. Blyth Eastman Dillon & Co, Inc. - 4.7243%
12. Donaldson, Lufkin & Jenrette, Inc- 4.738555%

Mr. Norman Barker, Finance Administrator, stated the remaining eight bids had one good faith check applicable to anyone of the bidders which may be the high bidder. He stated this was the first time this had been submitted and it does comply. A good faith check is pledged to any bidder who is successful in the bid of the bonds.

Mayor Pro Tem Love asked for clarification. Mr. Claud Boothman, Legal Bond Counsel reported that the Notices of Sale provided for such arrangement. The American National Bank has made arrangements with most every house in the United States. Mr. Willard Houser stated this was a new innovation in bidding on Texas Bonds. Over the state there are 90 to 100,000,000 bonds a week. The banks had arranged with the Municipal Advisory Counsel, attorneys of all municipalities who sell bonds, and the bank issues one cashiers' check at every sale in the state, thus covering every bidder that wants to be covered. He pointed out the savings. City Manager Davidson stated a tie bid would be determined by the Council.

The bids were referred to the Finance Administrator for verification.

Later in the meeting, the Finance Administrator returned with the results of the bid opening. Mr. Barker reported the bid of Halsey-Stuart has been verified in his office as well as in Dallas, Texas. The total dollar amount is correct and is the high bid \$3,635,812.50, with the effective interest rate of 4.6530%.

Councilman Nichols moved the Council award the sale of bonds to Halsey-Stuart Co., Inc., Smith, Barney & Co., Incorporated and Associates on \$3,635,812.50, interest costs. The motion, seconded by Mayor Pro Tem Love, carried by the following vote:

Ayes: Mayor Pro Tem Love, Councilmen Friedman, Handcox, Mayor Butler, Councilmen Dryden, Nichols

Noes: None

Not in Council Chamber when Roll was called: Councilman Lebermann

Mr. Curtis Adrian congratulated the Council on the fine bids it received and this is further indicative of the manner in which the City of Austin bonds are received in the national market. He stated this fine bid means in interest savings, between the bonds outstanding 4.95333, they sold today at 4.65, the same bonds. This represents \$234,858 in interest savings to the taxpayers and citizens of Austin. The Dow Jones averages closed at 5.05, and in dollar savings amounts to \$310,454.

#### Bond Ordinance

ON THIS, the 15th day of February, 1973, the City Council of the City of Austin, Texas, convened in regular session at the regular meeting place thereof in the City Hall, the meeting being open to the public and notice of said meeting, giving the date, place and subject thereof, having been posted as prescribed by Article 6252-17, Section 3A, V.A.T.C.S., with the following members present and in attendance, to wit:

ROY BUTLER

MAYOR

DAN LOVE

MAYOR PRO TEM

DR. S. H. "BUD" DRYDEN

)

DICK NICHOLS

)

LOWELL H. LEBERMAN

)

COUNCILMEN

JEFFREY M. FRIEDMAN

)

BERL L. HANDCOX

)

and with the following absent: None, constituting a quorum; at which time the following among other business was transacted:

The Presiding Officer presented for the City Council's consideration an ordinance authorizing the issuance of \$6,275,000 "CITY OF AUSTIN, TEXAS, ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES NO. 27," dated April 1, 1973, the caption of said ordinance being as follows:



"AN ORDINANCE by the City Council of the City of Austin, Texas, authorizing the issuance of \$6,275,000 'CITY OF AUSTIN, TEXAS, ELECTRIC LIGHT AND POWER, WATERWORKS AND SEWER SYSTEM REVENUE REFUNDING BONDS, SERIES NO. 27', dated April 1, 1973, for the purpose of paying off, refunding and cancelling an equal amount of outstanding revenue bonds heretofore issued, evidenced by \$6,275,000 'City of Austin, Texas, Electric Light and Power, Waterworks and Sewer System Revenue Bonds, Series No. 26,' dated October 1, 1963, as authorized by the General Laws of the State of Texas, particularly Article 111 et seq., V.A.T.C.S., including Article 717K-3, V.A.T.C.S.; prescribing the form of the bonds and the form of the interest coupons; pledging the net revenues of the City's combined Electric Light and Power, Waterworks and Sewer System to the payment of the principal of and interest on said bonds; enacting provisions incident and relating to the subject and purpose of this ordinance; and declaring an emergency."

The ordinance was read and Councilman Nichols moved that the rule be suspended which requires that no ordinance shall become effective until the expiration of ten days following the date of its final passage, that such ordinance be finally passed and adopted at this meeting, and that, for the reasons recited therein, said ordinance be passed as an emergency measure for the immediate preservation of the public peace, health, and safety of the citizens of Austin as permitted by the City Charter. The motion was seconded by Councilman Dryden and carried by the following vote:

AYES: Mayor Butler, Councilmen Love, Dryden,  
Nichols, Lebermann, Friedman and Handcox

NOES: None

The ordinance was read the second time and Councilman Nichols moved that the rules be further suspended and that the ordinance be passed as an emergency measure to its third reading. The motion was seconded by Councilman Dryden and carried by the following vote:

AYES: Mayor Butler, Councilmen Love, Dryden,  
Nichols, Lebermann, Friedman and Handcox

NOES: None

The ordinance was read the third time and Councilman Nichols moved that the ordinance be finally passed as an emergency measure. The motion was seconded by Councilman Dryden and carried by the following vote:

AYES: Mayor Butler, Councilmen Love, Dryden,  
Nichols, Lebermann, Friedman and Handcox

NOES: None

It was then announced that the ordinance had been finally passed and adopted.

MINUTES APPROVED, this 15th day of February, 1973.

(signed) Roy Butler  
Mayor, City of Austin, Texas

ATTEST:

(signed) Elsie Woosley  
City Clerk, City of Austin, Texas

(City Seal)

#### PUBLIC HEARING ON CHARTER PROVISIONS

The Mayor called to order the meeting regarding the proposed amendments to the Charter of the City of Austin. The main issue was whether the amendments should be submitted to the voters at the City Council election on April 7, 1973.

A number of members, including Mrs. Emma Long, of the Citizens' Charter Study Committee spoke regarding their feelings on the combination district-at-large system of election as opposed to the present all at-large system. Mrs. Long favored the principle of paying each Councilman \$100 a week while serving and also the proposed combined district-at large system. On the election by combination there were several speakers in favor: Mr. Jorge Guerra, East Austin; Ms. Sally Brice, League of Women Voters; Mr. Dan Boyd, Citizens for Equal Representation (also in favor of paying the Council \$100 a week); and there were others against it. Mr. Conway Taylor appeared, asking that the voters should think seriously about these issues of district representation and salaries for Councilmen. Mr. Ed Wendler from the Austin Reform Council was against the combination system. Several others felt the present system was fine, including Mr. Harry Nolan the oldest living ex-City Commissioner, who advised the citizens to keep the present system, and explained the disadvantages of the ward or aldermanic system.

Speakers on the make-up of the Planning Commission such as Mr. Ogburn from the Travis Audubon Society ; Mr. C. P. Phillips, a homeowner in University Hills, felt there should not be a majority of real estate men on the Planning Commission. This was shared by Mr. J. H. Templeton, and Mrs. C. H. Ritchie of the South River Citizens group. Mrs. Harold Bartz felt that the citizens of Austin weren't cognizant of the amount of control which the Planning Commission had. She wanted only 3 members of the Planning Commission to be from the real estate field, and this was agreed to by Mr. Cabot, another speaker.

Other amendments were mentioned, such as the one on the Employees Retirement System. Mr. W. C. Houser of the system spoke against paying interest on the amount remaining in the retirement system of anyone who has withdrawn from employment with the City. Mr. Gus Garcia also spoke on changes in the retirement section of the Charter.

Mr. Steven Fuchs of the Socialists Worker's Party proposed that the Council

place on the ballot a proposal that the charter would have no restrictions on who may hold office in Austin, such as age, residence and the signing of a loyalty oath. Also discussed, by Mr. Ravel, was a change in the appointment of Municipal Judges. Mr. Jeff Jones wanted the charter clarified as to the procedure for initiative and referendum petitions.

Councilman Friedman moved the Council place the amendments on the ballot for the April 7, 1973, Municipal election. This did not mean they were in favor of them necessarily, but that they were in favor of presenting them to the voters to decide. The motion, seconded by Councilman Handcox, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,  
Councilmen Dryden, Nichols  
Noes: None  
Not in Council Chamber when Roll was called: Mayor Pro Tem Love

#### ANNEXATION HEARING

Mayor Butler opened the 12:00 noon hearing on consideration of annexing of certain tracts.

Planning Director Dick Lillie stated the 11.29 acres of land - a portion of BERGSTROM DOWNS No. 1, and 20.49 acres of land - proposed WINDSOR HILLS, SECTION 7-- were requested by the owners and he pointed out the two tracts on the maps. The 1,059.92 acre tract was set at this particular time for hearing so that residents of the area could be in attendance.

Mayor Butler announced that Councilman Nichols and Mayor Pro Tem Love had some emergencies arise and would not be present.

No one appeared to be heard on the Bergstrom Downs No 1, 11.29 acre tract, and the 20.49 acre tract-Windsor Hills, Sec. 7.

Councilman Handcox moved the Council close the hearing and direct the administration to institute annexation proceedings to annex the following:

11.29 acres of land out of the Santiago Del Valle Grant -  
portion of BERGSTROM DOWNS NO. 1. (requested by owner)

20.49 acres of land out of the John Applegait Survey -  
proposed WINDSOR HILLS, SECTION SEVEN. (requested by  
owner's representative)

The motion, seconded by Councilman Lebermann, carried by the following vote:

Ayes: Councilmen Lebermann, Friedman, Handcox, Mayor Butler,  
Councilman Dryden  
Noes: None  
Not in Council Chamber when Roll was called: Mayor Pro Tem Love,  
Councilman Nichols

Planning Director, Mr. Dick Lillie, gave a resume of the area of 1059.92 acres in that some time back several residents at the north east corner requested a change in the Austin Development Plan to permit some industrial uses. The request was denied by the Planning Commission and by the City Council. The Council then authorized the Planning Department to proceed to develop an annexation proposal to include this north-east area of approximately 1,060 acres.

The area west of Cameron Road is included in the Austin Independent School District; the land east of Cameron Road is included in the Manor Independent School District. He described the layout stating the lots were large. Of the 1,000 acres, 45% is undeveloped. He pointed out the commercial development as well as the residential developments. The Capital Improvements include paving and widening of Runberg Lane from Cameron Road to Lamar; there is a 50 acre park to be acquired; the school site has been purchased by the Austin School District. The area is in Water District No. 7, which is owned by the City. There are sewer lines in place.

When the area is annexed, the zoning ordinance and building code ordinances would be extended into the area as well as fire, police, and garbage service. The area would reach the tax roll by January 1974.

Mr. W. W. Patterson, of Click Acres stated sewer was not available. City Manager Davidson stated that section would be served.

Mr. Wayne Gilberts, one of the property owners, represented about 30% of the property owners of the total area. Their children would have to come to the Austin Independent School District. The Mayor stated that this would not affect the School Districts. The people do not think the area has developed enough to annex these tracts of land.

Mr. Woodrow Sledge, representing the Austin Independent School District, spoke in favor of the annexation, and pointed out a Junior High School and an Elementary School are in this area.

The people are wishing to have time to adjust some of their activities so that it would be more beneficial to them. Several have livestock. Most are being served by private garbage collection.

The Mayor pointed out the Council was not annexing for tax money -- the main thrust is to protect the outer fringes before unpleasant uses develop, which would be non-conforming and a nuisance.

Mr. Eddy Joseph stated the increase in taxes would be burdensome to the property owners. Mr. D. J. Lilard moved out of the City. He is now building a home, but before his home will be finished he would be back in the City by this annexation. He listed several complaints about the garbage at certain locations. The City Manager stated they would check. Mr. Harold Draper spoke, stating he had livestock and did some farming. It was pointed out to Mr. Draper that none of his property was included in this annexation as was also Mr. Sterling Russell's property.

Mr. Bobby Wagner, Brown Lane, stated they moved out so they could have livestock and dogs. Would this force them to move out of the city limits if they are annexed? Mayor Butler stated he believed they could offer some relief in the area of the health code and still protect the community interests.

Councilman Dryden was concerned about the situations -- particularly the providing of the services -- extending out this far and still get the facilities in. The Planning Director stated this request had been submitted to the Utility Departments and all departments stated utilities were either in the area or could be extended from the existing utilities.

Councilman Friedman stated this is basically undeveloped land and the City knows the risks in not having the property controls. However by taking in a great amount of land undeveloped, it appears that the City is saying "This is where the development must take place next" and force this development. The Mayor recalled the many groups and environment groups have been lax in planning and protection which would have been prevented by planning. The owners who have horses and have bought land in the country have a good point. He was not as sympathetic with land speculators. All who wanted to be heard were given that opportunity.

Councilman Handcox moved that this public hearing be closed and that the Administration be directed to institute annexation proceedings. The motion was seconded by Councilman Lebermann.

Councilman Dryden stated if the City takes in the 1,000 acres today, he believed the City was making a contract with these citizens and he thought that the City should start immediately after this becomes effective in furnishing the people what the City owes them. As to the taxes, he did not believe these people could stand the escalation of the taxes. It would be made a matter of record that there should be some tax understanding now. The City Attorney referred to the State Constitution as to the requirements of taxation, that taxes be based on uniform and equal basis.

Councilman Lebermann stated the general welfare often obligates such actions.

Roll call showed the following vote:

Ayes: Councilmen Lebermann, Handcox, Mayor Butler  
Noes: Councilmen Dryden, Friedman  
Absent: Councilman Nichols, Mayor Pro Tem Love

Mayor Butler stated there was no point in finishing the roll call as it would take four affirmative votes. He announced the motion had failed.

Mr. Dick Lillie stated now it would be likely that there will be a request to annex just to the west of the 54 acres. The City after it acquires the property for a park would annex that. Clear Creek Estates has already requested annexation. There will be annexation to the east of Cameron Road regardless.

Mayor Butler stated the motion failed and the property will not be annexed at this point of time. If it comes up again ample notice would be given to all concerned. In the meantime this would be returned to the Planning Commission.

## ADJOURNMENT

The Council then adjourned.

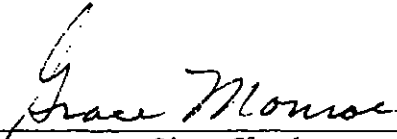
APPROVED: \_\_\_\_\_

Mayor

Handwritten signature of Ray Buxler in cursive script.

ATTEST: \_\_\_\_\_

City Clerk

Handwritten signature of Grace Monroe in cursive script.